



COLUMBIA COUNTY

Planning & Zoning Department

608-742-9660
FAX: 608-742-9817
E-MAIL: planning.zoning@co.columbia.wi.us
WEBSITE: www.co.columbia.wi.us

400 DeWitt Street
Portage, WI 53901

Committee on Environmental Resources
Senator Mark Miller, Chair
Room 409 South
P.O. Box 7882
Madison, WI 53707-7882

Oct. 8, 2007

Re: SB274

Dear Committee Members;

I am writing to express my concern regarding SB274, which would make it unlawful for persons employed by county governmental agencies as inspectors of private sewage disposal systems to perform soil testing, septic system design work, or the installation of septic systems on their own time.

I am a licensed professional and have been involved in private sewage disposal for over 37 years. My experience ranges from the private sector, where I have been a certified soil tester, plumbing designer and master plumber, involved in the design and installation of private sewage systems, to my current position as a POWTS inspector. As an inspector I am responsible for the oversight of the installation of private sewage disposal systems.

In my years as an inspector I have not, and do not intend to be involved in the performance of the services addressed by this bill outside of my duties as a county employee. Throughout my years of experience on "both sides of the fence", I have never witnessed a situation of impropriety due to a conflict of interest on the part of a private sewage inspector who also performed related services in the private sector. Let there be no doubt, the opportunity exists for such a conflict. But, as licensed professionals, assigned the duties of seeing to the health and welfare of the public, we are held to a very high standard of moral responsibility.

It is my feeling that the statewide ban on licensed inspectors performing related private sector services is far too broad ranging, and would be punishing an entire profession for the actions of a possible few in the field who may have crossed over that line of professionalism and moral responsibility. I therefore wish to go on record in opposition of this bill, feeling confident that local governmental agencies are best suited to deal with possible improprieties on a one-to-one basis.

Thank you for your consideration in this matter,

Thomas K. Robson, Zoning & Sanitary Specialist
Columbia County Planning & Zoning Dept.



Wisconsin Onsite Wastewater Recycling Association, Inc.

16 N. Carroll St., Suite 900 | Madison, WI 53703

Ph: 608.256.7757 | 800.377.6672 | Fx: 608.251.8192

October 9, 2007

Senate Environment & Natural Resources Committee
c/o Senator Mark Miller, Chairman
P.O. Box 7882
Madison WI 53707-7882

Dear Senator Miller and Committee,

I am here today to testify in support of Senate Bill 274 on behalf of the Wisconsin Onsite Wastewater Recycling Association (WOWRA). WOWRA is a statewide nonprofit association of septic system designers, installers, manufacturers, soil testers and others with an interest in septic systems.

Our organization is concerned about a growing problem in Wisconsin of county employees who regulate the design and installation of septic systems competing in the private sector against the people they regulate. This practice is unethical. We have a concern with the practice of county regulators who do soil testing and septic system installations, design, repair and sales as a "side business" for the following reasons:

- 1) Consumers may be more likely to use the services of the county regulator, assuming he or she is the "person of authority."
- 2) County regulators cannot be fair or impartial when inspecting work performed by their competitors or, as in several cases, regulating installers that they are soil testing and designing septic systems for (their customers).
- 3) This practice gives a "black eye" to governmental units when their employees are allowed to engage in conflict-of-interest activities that relate to their job duties.
- 4) County regulators may engage in improper conduct or retribution against their competitors to whom they have lost a bid for work.

This is a chronic problem around our state – one that is not good for the consumer, taxpayer or private industry. WOWRA supports a positive working relationship with government personnel regulating septic systems, however the relationship becomes murky when the regulators also are allowed to act as business competitors.

I encourage the committee to vote in favor of Senate Bill 274.

Sincerely,
Patrick Essie
WOWRA Executive Director

October 9, 2007

Committee on Environmental Resources
Senator Mark Miller, Chair
P.O. Box 7882
Madison WI 53707-7882

Re: SB 274

Dear Committee Members:

I write this letter to oppose SB 274. As I understand the proposed bill, any Inspector employed by a County to regulated Commerce 83 will not be allowed to do Soil Testing, Inspections, or Plumbing anywhere in the State of Wisconsin. This proposal is due to the so-called "conflict of interest" within the industry.

Commerce 5 clearly addresses the "conflict of interest" issue and an Inspector cannot do Soil Testing, Real Estate Inspections, or Plumbing in the County the Inspector administers Commerce 83. The County Personnel Departments also identify "conflict of interest" situations and enforce this, some Counties require the employees to submit financial statements at the end of each year for income earned to evaluate even the most remote interest with County business.

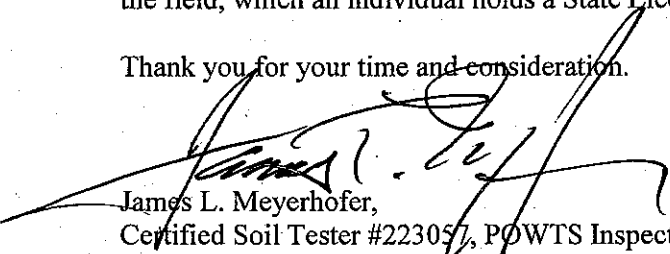
The Department of Commerce has just had this issue presented to the Department by the Private Industry this past year. Please contact Brad Johnson of Commerce 920-492-5605 as this issue of "conflict of interest" was reviewed and addressed by The Department of Commerce, the summation being the issue is addressed in Commerce 5 and by the County Personnel Departments.

Wisconsin County Code Administrators Assoc. was also contacted regarding the "conflict of interest" and WCCA responded that this is addressed in Commerce 5 and by the County Personnel Departments.

This Bill specifically targets the County Inspectors which administer Commerce 83, but should this Bill become Law, the issue will be with all Commerce license holders, Master Plumbers, Electricians, Cross Connection, Heating Venting and Air Conditioning, etc. Currently all Municipal Building, Plumbing, and Electrical Inspectors can do work in their field outside the Municipality that they inspect in.

I believe this Bill to be completely in the realm of taking away the right to pursue a livelihood in the field, which an individual holds a State License for.

Thank you for your time and consideration.



James L. Meyerhofer,
Certified Soil Tester #223057, POWTS Inspector #223057,
Registered Sanitarian #883-197

October 9, 2007

Environment and Natural Resources Committee
Senator Mark Miller (Chair)
Senator Robert Jauch
Senator Robert Wirth
Senator Neal Kedzie

Subject: Re: County Employees conducting POWTS work outside the Counties they work in.

There have been many stands taken on this situation going back a few years I found out after speaking to some WCCA and WOWRA board members. I have been contacted by several other County employees that do soil testing and plumbing outside the counties that they work in. Comm. 5.33 (6) of the Wisconsin Administrative Code prohibits a County employee such as an inspector to conduct soil evaluations within the boundaries of the local governmental unit. Most counties have a "conduct code" which would prohibit a county inspector from conducting soil tests or plumbing installations of POWTS, as it would be considered a conflict of interest and not be allowed in that county in which the inspector is employed. I think it should be like this in all counties in Wisconsin. If there is such a problem in whatever counties-WCCA or WOWRA should attempt to end this conflict of interest within those counties. I have my own soil testing business (Perry Dahl Soil Testing). I have been employed by Dane County Environmental Health for 18 years.. My supervisor at Dane County is Jim Clark, and he is fully aware of this and has no problem with this, as long as I don't conduct work in Dane County. We (the five Dane County Sanitarians), pay for our soil testing license renewals on our own, out of our own pockets - and I think that is the way it should be. I spoke with Roman Kaminski, Dept. of Commerce and he has no problem with the side-work that I do nor does his field staff. I am on no plumber's payroll. I bill the homeowner for soil testing that I conduct. I have consulted two attorneys regarding possible proposed WCCA and WOWRA legislation to restrict work done by a County employee. The first lawyer I contacted was a labor attorney and the second was a civil rights attorney. They both agreed that a County employee should not conduct work within the County they work in as it would be considered a "conflict of interest" of their day to day duties. They both went on to agree that any legislation to restrict what I do on my own time, outside the boundaries of Dane County, and outside the realm of my duties at Dane County would "be considered to unconstitutional, discrimination, and a violation of my civil rights. These restrictions would negatively affect my income, livelihood, right to free enterprise and equal opportunity". There are also other ramifications that you haven't thought about. How are you going to tell a Dane County Sheriff's Deputy that he can't work part-time as a security officer in Dane County? Same thing, and this is just the tip of the iceberg. For the record, let it be known that any proposed restrictions by WCCA or WOWRA on what I, and my counterparts do on our own time and outside the counties we work in, will be bitterly opposed in the court of law and will not be tolerated on our part.

Perry L. Dahl

Sincerely,
Perry L. Dahl
Sanitarian
Dane County Environmental Health



"Expert Soil Testing at a reasonable price"

- ★ Conventional Systems
- ★ Mound Systems
- ★ At-grade Systems

Perry Dahl Soil Testing

Wisconsin Certified Soil Tester #225462
Wisconsin Certified Plumbing Inspector #225462
Wisconsin Certified Well Inspector

Perry L. Dahl
(608) 429-2383

CELL (608) 477-0265

N8132 McElroy
Pardeeville, WI 53

October 9, 2007

Environment and Natural Resources Committee
Senator Mark Miller (Chair)
Senator Robert Jauch
Senator Robert Wirth
Senator Neal Kedzie

Dear Committee Members;

I would like to express my concerns and opposition to proposed 2007 SENATE BILL 274.

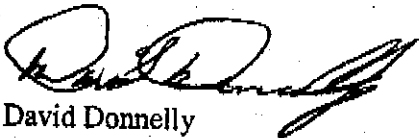
I am a regulator, being the Zoning Administrator and Private On-Site Sewage Disposal System Inspector for Juneau County, and also I do private work as a Soil & Site Evaluator on my own time. The private work that I perform is NOT in the County that I employed in. I have been doing this for 27 years without any problems whatsoever.

To pass this Bill would take away income that I rely on quite heavily. I believe that this could be re-worded to say that this work can not be performed within the same County as the individual is employed in. The way that this is worded now it means anywhere in the State.

I am also a member of the Wisconsin County Code Administrators and this issue was discussed last year and was essentially dropped by the membership because it was felt that it is not an issue of concern. It should be handled and controlled by the individual Counties that it may be an issue in.

I sincerely thank you for your consideration into this matter because it could have adverse effects on many other occupations that are similar in nature.

Sincerely;



David Donnelly
Juneau County Zoning Administrator
Certified Soil Tester
POWTS Inspector

From: mbremer@co.sauk.wi.us [mailto:mbremer@co.sauk.wi.us]

Sent: Friday, October 05, 2007 1:13 PM

To: Sen.Miller; Sen.Olsen; Sen.Schultz; Sen.Lassa; Sen.Lazich; Sen.Lehman; Sen.Cowles; Rep.Gunderson; Rep.Hahn; Rep.Berceau; Rep.LeMahieu; Rep.Mursau; Rep.Ott; Rep.Turner

Subject: [Possible Spam] comments to SB 274

Importance: Low

To the authors and co-signers of SB 274

Comm 5.33 (6) already lays out restrictions to the responsibilities of a soil tester within their area of regulatory authority. Though it is of no consequence to me, there are several counties in the state who have either low wages or part time employees who may need to supplement their income by working OUTSIDE of their area of regulatory authority. I am writing to you in the hopes that your bill, if approved, will not negatively impact these people.

I am also thinking that this bill may set the precedent for restricting other part-time and/or full time government employees from having supplemental employment if it could be viewed as conflict of interest. Examples might include off-duty police who act as security guards in their district of responsibility, county Corporation Counsel attorney's who do legal work or have a practice on the side, and county surveyor's who review their peers work for accuracy but are only employed part-time by the county.

I appreciate your consideration of my concerns. Feel free to contact me if you have any questions about my concerns.

Matthew F. Bremer
Zoning and Environmental Specialist
608 355-3285 ex 3433

10/10/2007

From: Lara Pagel [mailto:Lpagel@co.waupaca.wi.us]

Sent: Tuesday, October 09, 2007 12:03 PM

To: Sen. Miller

Subject: SB 274

Dear Chairman Miller,

I would like to voice my support for SB-274. {**Sewage Systems** (Miller) Restrictions on certain local government employees related to soil testing and installation, design, maintenance, repair and sale of private sewage systems. } As an employee of Waupaca County I am a licensed Soil Tester and Inspector for the County. It is unclear to me how anyone can have similar employment as a private entity on the side without competing with the local contractors or being tainted as a county employee. It is my understanding that the Counties that allow such outside employment do not allow them to conduct their business within the county of employ, but the contractors have no such restrictions. Even in neighboring counties you are competing with the very people you are regulating as a county employee. You would then have the unfair advantage of knowing what products they use and their habits, so you can compete accordingly. We also have had homeowners be more impressed by the County title figuring they have a "leg in" and would get a permit approved easier.

We have several county employees from other counties that do work in our county as soil testers or designers. It is a clear conflict in our eyes. In fact, our county has gone so far as to put it in our ordinance that such outside employment is not acceptable.

Health insurance seems to be a big driving force. Soil testers and plumbers take County employment for the benefits. This also allows them to do business cheaper than the competing soil tester that has to pay for their own insurance and cover those costs.

I encourage you and the Senate to pass this bill.

Sincerely,

Lara Pagel
POWTS Inspector
Waupaca County

10/10/2007